

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Ashley T. Adams

v.

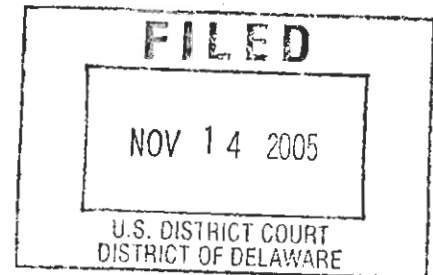
CIVIL ACTION No. 05-249-KAJ

**Integrity Staffing
aka Pepper Hamilton, LLP
Dawn Harper, et al**

**Randstad Staffing Services,
Woman of India nationality, et al**

**JP Morgan Chase Bank One,
Cheryl Denny, et al**

**Ernest & Young,
Scott Gallagher, et al**



**PLAINTIFF'S ANSWER TO DEFENDANT DAWN HARPER-SMITH'S
MOTION TO DISMISS**

1.

On April 28, 2005, Plaintiff, Ashley T. Adams filed the instant complaint in the above-referenced matter (the "Complaint") for discrimination and hostile work environment and retaliation in violation of Title VII of the Civil Rights act of 1964.

2.

In the caption of the Complaint, Plaintiff identifies "Integrity Staffing" incorrectly and should be captioned as Integrity Staffing Solutions; "aka Pepper Hamilton LLP" is also incorrect in the caption; Plaintiff misinterpreted in composing the initial complaint, that Pepper Hamilton LLP was an 'alias' name for Integrity Staffing Solutions, but later informed that Pepper Hamilton LLP is the law firm representing Integrity Staffing Solutions, and should be removed from the caption because Pepper Hamilton LLP is not a party to this complaint, and should be referenced only as legal representation. Plaintiff asks the court to strike Pepper Hamilton from the caption.

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3.

Defendant, Dawn Harper (Dawn Harper-Smith), seeks to have all claims asserted against her dismissed with prejudice because defendant alleges there is no individual liability under Title VII. Plaintiff disagrees and supports by the following.

4.

The Third Circuit has declared that “[i]f individuals are personally involved in the [challenged] discrimination..., and if they intentionally caused the [infringement of]...Section 1981 rights, or if they authorized, directed, or participated in the alleged discriminatory conduct, they may be held liable”. Al-Khazraji v. Saint Francis College, 784 F.2d 505, 518 (3rd Cir. 1986).

5.

Dawn Harper is the hiring manager for Integrity Staffing Solutions, who provides employees for J.P. Morgan Chase Bank One either on a contract temporary basis or contract temp-to-hire. Dawn Harper placed Plaintiff in an employment position at JP Morgan Chase Bank One as a long term contract temp-to-hire.

6.

The Defendant’s argument to the Motion to Dismiss claims against Dawn Harper is based on “all claims asserted against Ms. Harper-Smith should be dismissed with prejudice because there is no individual liability under Title VII”. Plaintiff refers to *Sheridan v. E.I. DuPont de Nemours & Co.*, 100 F.3d 1061, 1077-78 (3d Cir.1996) (“[W]e are persuaded that Congress did not intent to hold individual employees liable under Title VII.”). Dawn Harper was not an ‘individual employee’, as she was acting as a hiring manager, supervisory role, and decision maker in hiring and firing of Plaintiff. Plaintiff did not bring ‘individual employees’ into this action, for Plaintiff would have listed at least (10) individual employees that were responsible for the discrimination and hostile working conditions. Dawn Harper’s role in this action is not that of an ‘individual employee’ but that of a hiring manager, decision maker, who received reports from Plaintiff requesting corrective measures against the hostile working conditions and discrimination against Plaintiff.

7.

Dawn Harper was involved in the decision to terminate the Plaintiff, Ashley T. Adams from her position.

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8.

Dawn Harper had ongoing knowledge of the abusive hostile working environment and the discrimination acts against Plaintiff, Ashley T. Adams.

9.

Dawn Harper acted on retaliation against Plaintiff, Ashley T. Adams, when Plaintiff reported all acts of discrimination and hostile working environment.

10.

Dawn Harper refused to address corrective measures to protect Plaintiff from such hostile working conditions and discrimination, but to only terminate Plaintiff's position, when Plaintiff made reports of discrimination and hostile working environment.

11.

Plaintiff requested from Dawn Harper another department opportunity, if available, but Dawn Harper refused to accommodate, stating that even if there was another department position that her agency would not transfer until this department need are fulfilled, and stated so, "that this is Integrity Staffing Solutions policy".

12.

Plaintiff was a Team Leader with responsibilities of training other staff and received the same pay as entry level staff, and less pay than male staff performing the same function as Plaintiff.

13.

Plaintiff was required to work overtime while staff of other races and males where not required, still receiving less pay than male staff.

THEREFORE, Plaintiff asks the Court to Deny the Motion to Dismiss Defendant Dawn Harper-Smith.

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ORDER

AND NOW, this _____ day of _____, 2005, upon consideration of Plaintiff, Ashley T. Adams' Motion to Deny Defendant's Dawn Harper-Smith's Motion to Dismiss, it is hereby ORDERED that said motion is GRANTED and that Plaintiff's claims with respect to defendant Dawn Harper-Smith are NOT DISMISSED in their entirety with prejudice.

BY THE COURT:

U.S. DISTRICT COURT JUDGE

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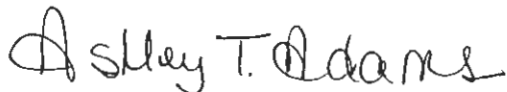
**Ernest & Young,
Scott Gallagher, et al**

CERTIFICATE OF MAILING

On this 12th day of November, 2005, I hereby certify that I mailed copies of the attached Motion to Deny Dawn Harper-Smith to Dismiss to:

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